

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff**

v.

\$27,644.00 USC AND \$6,600.00 USC,

**Defendants.**

CIVIL NO. 18-

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief, Civil Division and Maritza González, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

This is a civil action in rem brought to enforce the provisions of Title 18, United States Code, Sections 1956(a)(2)(B); 1956(h); and 981(a)(1)(A).

**DEFENDANT IN REM**

The defendant currency seized by Federal Bureau of Investigations (“FBI”) agents consists of: \$27,644.00 USC and \$6,600.00 USC.

**JURISDICTION AND VENUE**

This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to

Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 18, United States Code, Sections 1956(a)(2)(B); 1956(h); and 981(a)(1)(A).

This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).

Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

#### BASIS FOR FORFEITURE

This is a civil action in rem brought to enforce the provisions of Title 18, United States Code, §§1956(a)(2)(B); 1956(h); and 981(a)(1)(A).

#### FACTS

The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the FBI, Special Agent, Robert Maj attached hereto, and incorporated herein as if fully stated.

#### CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court

may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 15<sup>th</sup> day of November 2018.

ROSA EMILIA RODRIGUEZ-VELEZ  
United States Attorney

s/Héctor E. Ramírez-Carbó

Héctor E. Ramírez-Carbó  
Assistant U.S. Attorney  
Chief, Civil Division  
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s/ M González

Maritza González-Rivera  
Assistant U.S. Attorney  
U.S.D.C. PR No. 208801  
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Fax. (787) 771 4050  
Email: [maritza.gonzalez@usdoj.gov](mailto:maritza.gonzalez@usdoj.gov)

VERIFIED DECLARATION

I, Maritza González, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the FBI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 15<sup>th</sup> day of November 2018.

s/ M González  
**Maritza González-Rivera**  
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Robert Maj, FBI Special Agent, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 15<sup>th</sup> day of November 2018.

RJM L-  
\_\_\_\_\_  
Robert Maj  
Special Agent  
Federal Bureau of Investigations

**UNSWORN DECLARATION IN SUPPORT OF FORFEITURE COMPLAINT**

**INTRODUCTION**

I, Robert Maj, do hereby state the following:

Pursuant to Title 28, United States Code, Section 1746, I, Robert Maj, Special Agent of the Federal Bureau of Investigation (FBI), declare under penalty of perjury that the foregoing is true and correct:

**PROFESSIONAL BACKGROUND**

I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and, as such, I am charged with enforcing all federal laws in all jurisdiction of the United States, its territories and possessions. I am currently assigned to the Criminal Enterprise squad in San Juan, Puerto Rico and attached to the Airport Investigations and Tactical Team (AirTAT), where investigations are conducted related to violations of Titles 18, 21, and 31, United States Code. The AirTAT investigates international drug trafficking and money laundering organizations that utilize the aviation domain to smuggle narcotics and currency into and through the United States.

As a Criminal Investigator my job and responsibilities include conducting investigations of alleged manufacturing, distributing or possession of controlled substances, Title 21, United States Code, Section 841 (a)(1)); importation of controlled substances Title 21, United States Code, Section 952 (a)); smuggling of goods into the United States, Title 21, United States Code, Section 545; possession with the intent to distribute narcotic drug controlled substances while onboard a vessel subject to the jurisdiction of the United States Title 46, United States Code, Section 70501 et seq.; and related offenses.

The information contained in this affidavit is based on my personal knowledge and observations during the course of this investigation; on information conveyed to me by other law

enforcement officials; and on my review of records, documents, and other physical evidence obtained during this investigation. This affidavit is not intended to include every fact observed by me or known by the government.

Based on my training and experience, my knowledge of this case and my discussions with other law enforcement officers, I am familiar with narcotic traffickers' and money launderers' methods, schemes, and operations, and know:

That narcotics trafficking organization often utilize third persons, commonly known as mules, to transport narcotics and currency from Puerto Rico to the Continental United States (CONUS) or vice versa, through the Luis Muñoz Marin International Airport (LMMIA).

#### **PROPERTY TO BE FORFEITED**

This unsworn declaration is offered in support of the civil forfeiture complaint of the following seized property:

- \$27,644.00 USD; and
- \$6,600.00 USD.

#### **BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION**

On May 31, 2018, Agents and TFOs assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) AirTAT initiative were working their assigned duties at the Luis Munoz Marin International Airport (LMMIA) located in Carolina, Puerto Rico. Agents and TFOs from the AirTAT were doing routine inspections at the Terminal A, JetBlue baggage claim area when they observed two passengers, later identified by the FBI as Eric Omar Padilla-Gonzalez (Padilla-Gonzalez) and Ernesto J. Perez-Trinidad (Perez-Trinidad), displaying a nervous and suspicious behavior while waiting for their checked luggage.

Agents and TFOs developed their own reasonable suspicion to believe Padilla-Gonzalez and Perez-Trinidad were involved in criminal activity and conducted a consensual encounter at the baggage claim area once the aforementioned individuals retrieved their luggage from the baggage carousel. Agents and TFOs identified themselves and asked routine questions. During the encounter, Padilla-Gonzalez stated he was carrying approximately \$8,000.00 USD. Subsequently, Perez-Trinidad stated he was carrying approximately \$6,000.00 USD.

Padilla-Gonzalez and Perez-Trinidad were asked for consent to conduct a dog sniff on their luggage and personal belongings utilizing a K9, to which both of them agreed and voluntarily provided consent to the non-intrusive search. Padilla-Gonzalez and Perez-Trinidad mentioned they were not transporting firearms, narcotics nor additional currency. Shortly after, K9 Onix, handled by Christopher Esteves-Diaz, a Carolina Police Department Officer, alerted to the possible presence of narcotics inside a black bag, which belonged to Perez-Trinidad.

After the K9 alert, Agents and TFOs from the AirTAT asked for consent to search the black bag to which Perez-Trinidad agreed and voluntarily provided consent to the search of his bag. Inside the black bag, Agents and TFOs discovered several white envelopes, concealed within a red blanket. When the white envelopes were opened, Agents and TFOs observed a large amount of US currency inside. A total of 14 envelopes were retrieved from the bag of Perez-Trinidad. Perez-Trinidad stated he was not aware the money was inside his bag and he did not know who placed the money inside.

During an interview, Padilla-Gonzalez stated he traveled to Newark on May 24, 2018 and stayed with Perez-Trinidad. He mentioned he had been working in construction for approximately one to two years. He also owned a business named Window Shape Solution in Puerto Rico. Padilla-Gonzalez mentioned the money found in his possession was earned through

his business in Puerto Rico. He also stated the money encountered inside Perez-Trinidad's bag belonged to Perez-Trinidad. Padilla-Gonzalez did not observe when Perez-Trinidad placed the envelopes with money inside the black bag.

During the interview of Perez-Trinidad, he stated he traveled to Newark on May 24, 2018 with Padilla-Gonzalez. Perez-Trinidad mentioned he stayed at his mother's house with Padilla-Gonzalez but did not remember where his mother lived. Perez-Trinidad stated the money found in his pocket was earned from working in construction. He also mentioned he does not report any income to the Puerto Rico Treasury Department. Perez-Trinidad indicated the currency found inside his black bag belonged to Padilla-Gonzalez and assisted him in packing the envelopes. Perez-Trinidad stated he did not know where Padilla-Gonzalez obtained the money but mentioned Padilla-Gonzalez left the house for approximately 30 minutes to an hour during the weekend.

As a result of the seizures, defendant properties described as \$27,644.00 USD and \$6,600.00 USD of this declaration as proceeds and property used in furtherance of the following violations:

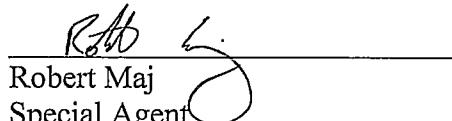
1. Title 18, United States Code, §1956(a)(2)(B) - Laundering Monetary Instruments –  
Makes it a federal criminal offense [w]hoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—
  - (i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or
  - (ii) to avoid a transaction reporting requirement under State or Federal law.

2. Title 18, United States Code, §1956(h) - Laundering Monetary Instruments - Makes it a federal criminal offense any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.
3. Title 18, United States Code, §981(a)(1)(A) - The following property is subject to forfeiture to the United States: Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property.

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, the undersigned submits that the \$27,644.00 USC and \$6,600.00 USC are forfeitable pursuant to Title 18, United States Code, §§1956(a)(2)(B); 1956(h); and 981(a)(1)(A).

I, Robert Maj, Special Agent, FBI, do declare the above as provided by Title 28, United States Code, Section 1746.

In San Juan, Puerto Rico this 15<sup>th</sup> day of November 2018.

  
\_\_\_\_\_  
Robert Maj  
Special Agent  
Federal Bureau of Investigation

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardon Ave, Suite 1201, Hato Rey, PR 00918

**DEFENDANTS**

\$27,644.00 USC AND \$6,600.00 USC

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION**

Title 18, United States Code, Sections 1956(a)(2)(B); 1956(h) and 981(a)(1)(A).

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE SIGNATURE OF ATTORNEY OF RECORD

s/Maritza González

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_



# **United States District Court for the District of Puerto Rico**

## **CATEGORY SHEET**

1. Title of Case (Name of first party on each side only)

U.S. v. \$27,644.00 USC AND \$6,600.00 USC

2. Category in which case belongs: (See Local Rules)

ORDINARY CIVIL CASE  
SOCIAL SECURITY  
BANK CASE  
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

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4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

YES

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

YES

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

YES

NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

TELEPHONE NO.

HATO REY PR

ZIP CODE

787-766-5656